

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 07/14/2006, having a shortened statutory period for response set to expire 10/14/2006, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Drawings

1. Applicant thanks the Office for approving the drawing correction.

Claim Rejections - 35 USC § 103

2. Applicant acknowledges the inadvertent quotation of 35 USC 103(a).
3. Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hunkin et al. (hereinafter "Hunkin") in view of Zuk, Jr. (hereinafter "Zuk"). Reconsideration and withdrawal of this ground of rejection is requested for the reasons that follow.

Zuk discloses a disposable vacuum filtration apparatus capable of detecting microorganisms and particulates in liquid samples. The assembly includes a funnel releasably interfitted to a base. A filter is in the base to prevent flow of unfiltered liquid into the funnel.

The pertinent parts of the sixty-five (65) page Zuk reference are copied below:

FIG. 3a, FIG. 3b, FIG. 3c and FIG. 3d, depict a second embodiment of the prior art. Assembly 600 contains base 601, funnel 602, lid 611, microorganism filter 603, and absorbent pad 615. Lid 611 press fits onto funnel 602 in the same manner described above for lid 511 press fitting onto funnel 502. Hence this press fit has the same drawbacks described above. After filtration is complete, funnel 602 is disassembled, and lid 611 is press fitted to base 601 to form a petri dish, in the same manner described above for lid 511 press fitting onto base 501, hence this press fit has the same drawbacks described above. Funnel 602 snap fits into base 601, with head 621 of funnel 602 fitting into groove 624 of base 601. When funnel 602 is properly snap fitted to base 601, microorganism filter 603, and absorbent pad 615, are compressed between bottom face 610 of funnel 602, and seal surface 628 of base 601. With this design base 601, and funnel 602 are molded from a pliable material such as polyethylene, or polypropylene.

Significantly, as Zuk recites:

After filtration is complete, funnel 602 is discarded, and lid 611 is press fitted to base 601 to form a petri dish... Funnel 602 snap fits into base 601, with bead 621 of funnel 602 fitting into grooves 626 (sic: 622) of base 601. When funnel 602 is properly snap fit to base 601, microporous filter 603, and absorbent pad 615, are compressed between bottom face 610 of funnel 602, and seal surface 625 of base 601."

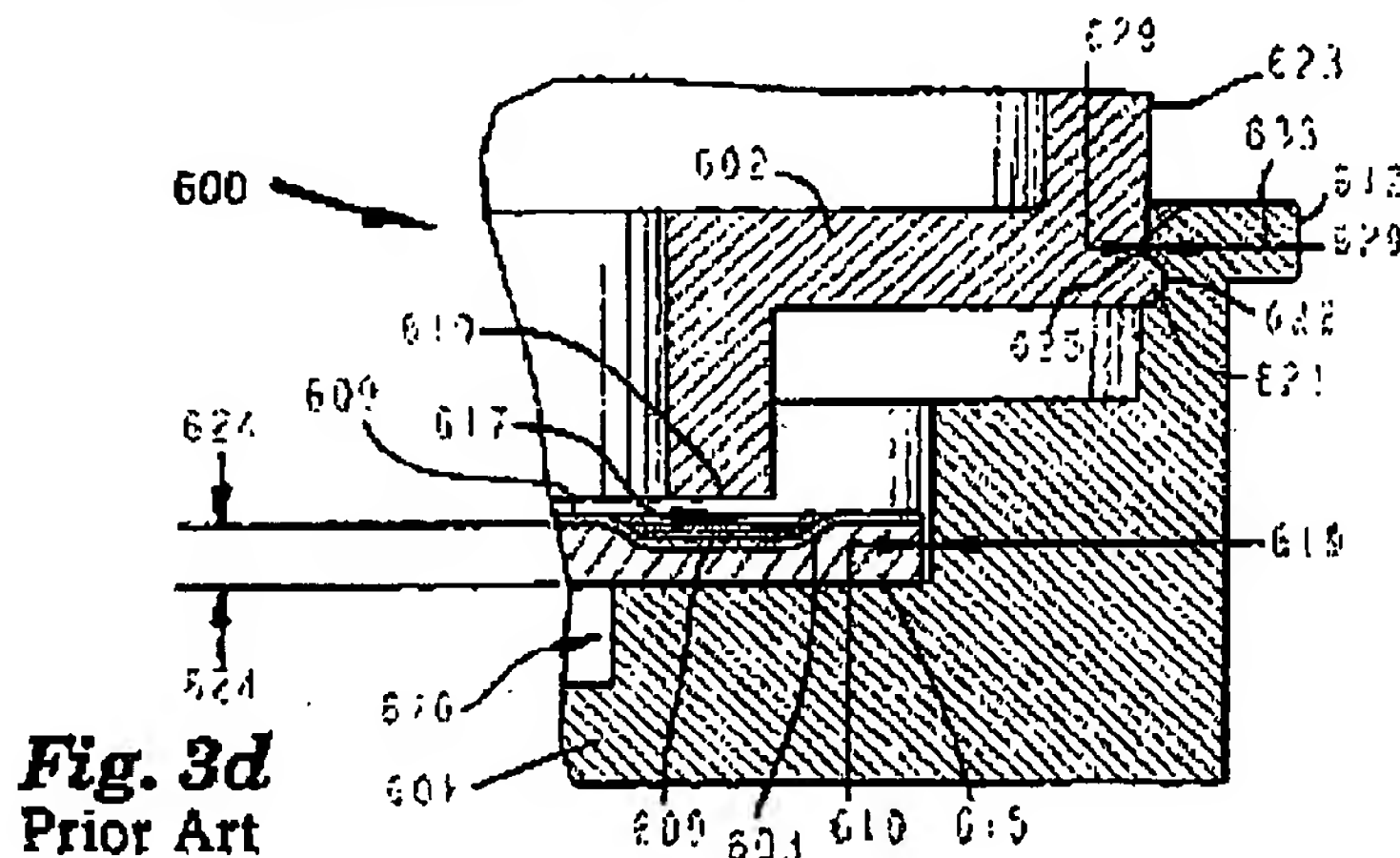


Fig. 3d
Prior Art

As the Office acknowledges, Hunkin lacks annular bead 46 at the leading end of the tapered sidewalls of the valve housing of the bailer, and further lacks annular groove 48 formed in the interior sidewalls of the bottom-emptying device. Accordingly, the valve housing and bottom-emptying device of Hunkin cannot interlock with one another and a user of the Hunkin device must hold the bottom-emptying device in close proximity to the valve housing while waiting for the bailer to drain. The Office therefore cites Zuk to support its position that annular bead 621 and groove 622 of Zuk prior art drawing 3d would have impelled one of ordinary skill to modify Hunkin by adding said bead and groove from Zuk.

This position of the Office is respectfully traversed because the interlocking bead and groove of Zuk teach away from any application of said bead and groove in the context of a flow-through device such as a bailer. More particularly, the Zuk structure is not a flow-through structure. In Zuk, a funnel is snap-fit by bead and groove into a base. The interface between the funnel and base is occupied by a microporous filter and an absorbent pad. The filter and pad are compressed between the bottom face of the funnel and the seal surface of the base. Thus, liquid flowing through the funnel is trapped in the microporous filter and the absorbent pad. Nothing

can flow past the "seal surface of the base." In fairness to Applicant, Zuk includes no suggestion that his bead and groove could be used in the Hunkin context where a connection between a bead and groove does not stop a flow of liquid. The bead and groove of Zuk serve to stop liquid flow through the Zuk device. One of ordinary skill in the art of bailers would not have been impelled by the bead and groove structure of Zuk, that creates a dead end to fluid flow, to incorporate a bead and groove structure into Hunkin.

Nor is the Zuk structure a part of the pertinent prior art of bailers. Zuk discloses a disposable vacuum filtration apparatus capable of detecting microorganisms and particulates in liquid samples. It discloses a funnel interfitted to a base, and the filter prevents flow of unfiltered liquid into the base. Significantly, the filtered liquid does not flow through the base and into an external environment but is collected in the absorbent pad which is removed from the structure by unlocking the bead and groove snap fit connection, and taken to a lab for analysis. The bead and groove structure facilitates the separation of the base from the filter so that the absorbent pad can be retrieved. The base of Zuk thus has no upstanding peg to unseat a floating ball valve nor does it have a fluid flow passageway. Therefore it would not have been obvious to transport the bead and groove structure from the Zuk structure to a structure like that of Hunkin. Applicant created a bead and groove connection in a Hunkin-like environment, but not with an impetus from Zuk.

Applicant admits that snap fit bead and groove connections are well-known. Applicant makes no claim to having invented such type of connection. What Applicant claims is a bead and groove connection in the context of a bailer and a device that enables bottom-emptying of a bailer. Hunkin discloses a bailer and a device that enables bottom-emptying of a bailer but the user of the Hunkin structure must hold the emptying device for as long as it takes for the bailer to empty. Even though bead and groove snap fit connections were known at the time the Hunkin invention was disclosed, it was obviously not obvious to provide such connection in the Hunkin device because such improvement, if it had been obvious, would have been provided by Hunkin.

Applicant's claim is drawn with precision to a bailer construction having a bottom-emptying device that is held onto the trailing end of a bailer valve housing by a bead and groove construction, thereby freeing a user from holding the device during the duration of the bailer-emptying process and protecting the user's hands from being contacted by harmful fluids such as strongly acidic fluids or the like. This is Applicant's contribution, and the presence of a bead and

groove structure in the special-use, non-bailer Zuk apparatus would not have rendered Applicant's contribution obvious at the time it was made. In fairness to Applicant, the claims as now amended a second time should be allowed.

Response to Arguments

4. Applicant thanks the Office for withdrawing the rejections made in the first Office Action and further acknowledges the new grounds of rejection.

Conclusion


5. Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

A Notice of Allowance is solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

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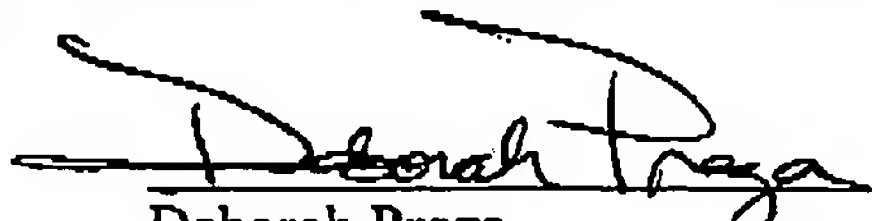
pc: Mr. David W. Pratt

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment B, including Introductory Comments, Amendments to the Claims, Amendments to the Drawings and Remarks is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3652, Attn: Paul T. Chin, (571) 273-8300 on September 5, 2006.

Dated: September 5, 2006



Deborah Preza